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Attorney for Debtor,
Fred Tucker

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION

In re)	CHAPTER 13
)	CASE NO.: 2:23-bk-12707-VZ
)	
FRED TUCKER,)	MOTION TO WITHDRAW AS
)	ATTORNEY OF RECORD;
)	DECLARATION OF KEVIN T. SIMON
)	IN SUPPORT THEREON

[No Hearing Required Pursuant to LBR
[2091-1(a)], [9013-1(p)(4)]

Debtor(s)

**TO THE HONORABLE VINCENT ZURZOLO, UNITED STATES
BANKRUPTCY JUDGE, THE CHAPTER 13 TRUSTEE, AND ALL OTHER
INTERESTED PARTIES:**

THE LAW OFFICES OF KEVIN T. SIMON (hereinafter “KTS”), counsel for Fred
Tucker (hereinafter “Debtor”), respectfully moves this Court to be relieved as counsel in the
above-entitled bankruptcy proceeding as follows:

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

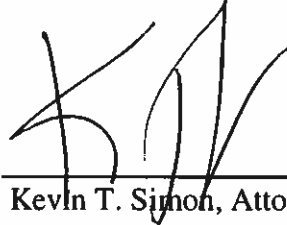
1 The Debtor has failed to maintain effective communication and trust with Debtor's
2 counsel which has deteriorated the attorney-client relationship, thus making it impossible to
3 continue effective legal representation in the within Chapter 13 bankruptcy proceeding. (See
4 Declaration of Kevin T. Simon). Moreover, revealing the facts on which this Motion is based
5 would involve disclosure of client confidences. The undersigned represents that good grounds
6 for withdrawal exist under Rules of Professional Conduct Rule 3-700(c). (See Declaration of
7 Kevin T. Simon.).

8 Based on the above-circumstances, it is the belief of KTS that the continued effective
9 representation of the Debtor is no longer feasible. Wherefore, the Moving party prays that this
10 Court enter an Order relieving KTS as attorneys of record for the above-named Debtor in his
11 Chapter 13 proceedings.

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14 Date: May 17, 2023

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16 THE LAW OFFICES OF KEVIN T. SIMON, APC

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Kevin T. Simon, Attorney

DECLARATION OF KEVIN T. SIMON IN SUPPORT OF MOTION

I, Kevin T. Simon, do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all the below statements.

1. THE LAW OFFICES OF KEVIN T. SIMON, APC represents the Debtor, Fred Tucker, in the instant Chapter 13 bankruptcy, Case Number: 2:23-bk-12707-VZ, which was filed on May 3, 2023.

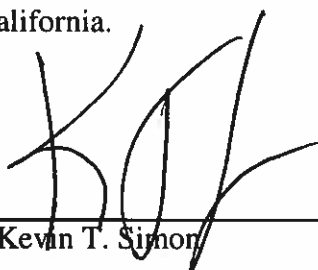
2. The Debtor has failed to maintain effective communication and trust with me and my office, which has deteriorated the attorney-client relationship, thus making it impossible to continue effective legal representation in the within Chapter 13 bankruptcy proceeding.

3. Moreover, revealing the facts on which this Motion is based would involve disclosure of client confidences. I represent that good grounds for withdrawal exist under Rules of Professional Conduct Rule 3-700(c).

4. Based these circumstances, it is my belief that the continued effective representation of the Debtor is no longer feasible.

5. Accordingly, I request that this Court enter an Order relieving THE LAW OFFICES OF KEVIN T. SIMON, APC as attorneys of record for the above-named Debtor in his Chapter 13 proceedings.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration is executed May 17, 2023, at Woodland Hills, California.



Kevin T. Simon

In re: Fred Tucker, Debtor(s).	CHAPTER: 13 CASE NUMBER: 2:23-bk-12707-VZ
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

The Law Offices of Kevin T. Simon, APC 21241 Ventura Blvd., Suite 253 Woodland Hills, CA 91364

A true and correct copy of the foregoing document entitled **MOTION TO WITHDRAW AS ATTORNEY OF RECORD; DECLARATION OF KEVIN T. SIMON IN SUPPORT THEREON** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On May 17, 2023 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Nancy K Curry (TR):	trustee13la@aol.com
United States Trustee (LA):	ustpreion16.la.ecf@usdoj.gov
Kevin T. Simon	kevin@ktsimonlaw.com

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On May 17, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on May 17, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Judge's Copy: Honorable Vincent P. Zurzolo 255 E. Temple Street, Suite 1360 / Ctrm. 1368 Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

May 17, 2023
Date

Alyssum Gruenfeldt-Roy
Printed Name

/s/ Alyssum Gruenfeldt-Roy
Signature

In re: Fred Tucker, Debtor(s).	CHAPTER: 13 CASE NUMBER: 2:23-bk-12707-VZ
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ADDITIONAL SERVICE LIST:

Debtor

Fred Tucker
955 Deep Valley Drive No. 2218
Palos Verdes Peninsula, CA 90274

Chapter 13 Trustee
Nancy Curry
1000 Wilshire Blvd., Ste 870
Los Angeles, CA 90017

Edward A. Hoffman, Esq.
Law Offices of Edward A. Hoffman
11755 Wilshire Blvd.
Suite 1250
Los Angeles, CA 90025-3600

Franchise Tax Board
Attn: Bankruptcy Unit
P.O. Box 2952
Sacramento, CA 95812-2952

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Jeffrey S. Kaufman, Esq.
Wolfe & Wyman LLP
2212 Dupont Drive
Irvine, CA 92612

JPMorgan Chase Bank N.A.
c/o NTC 2100 Alt. 19 North
Palm Harbor, FL 34683

Office of the United States Trustee
915 Wilshire Blvd., Ste 1850
Los Angeles, CA 90017

PNC Mortgage
PO Box 8703
Dayton, OH 45401-8703

Quality Loan Service Corp
2763 Camino Del Rio South
San Diego, CA 92108

Stella A. Havkin, Esq.
Havkin & Shrago
5950 Canoga Avenue
Suite 400
Woodland Hills, CA 91367